

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

JAMES PICKENS,
Plaintiff

vs.

MANAGEMENT & TRAINING
CORPORATION, *et al.*,
Defendants

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Civil Action No. 3:16-cv-913-CWR-FKB

MTC’S MOTION FOR SUMMARY JUDGMENT

COMES NOW Defendant Management & Training Corporation (“MTC”), through counsel and pursuant to the Federal Rules of Civil Procedure, and files this Motion for Summary Judgment, and would show in support the following:

1. The Plaintiff failed to exhaust his administrative remedies in a timely fashion, in violation of the Mississippi Department of Corrections’s Administrative Remedy Program, the Prison Litigation Reform Act, and the provisions of Miss. Code Ann. § 47-5-803. For those reasons, his federal and state law claims are barred.

2. In support of this Motion, MTC is attaching and incorporating the following exhibits:

- a. **Exhibit “A”** – MDOC’s ARP Policy; and
- b. **Exhibit “B”** – Plaintiff’s ARP Submissions on February 12, 2015.

3. In further support of this Motion, MTC is concurrently submitting its Memorandum of Authorities, as required by L.U. Civ. R. 7(b)(4).

WHEREFORE, PREMISES CONSIDERED, Defendant Management & Training Corporation respectfully submit its Motion for Summary Judgment, requesting that the Court

find no genuine issue of material fact and conclude that MTC is entitled to judgment as a matter of law under Fed. R. Civ. P. 56(a).

Dated: June 26, 2017.

Respectfully submitted,

**MANAGEMENT & TRAINING
CORPORATION, TERRY DANIEL,
GRADY WALLACE, AMEDIO COLANGELO,
and LEPHER JENKINS**

By: s/ H. Richard Davis, Jr.
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CERTIFICATE OF SERVICE

I, H. Richard Davis, Jr., one of the attorneys for the Defendants Management & Training Corporation, Terry Daniel, Grady Wallace, Amedio Colangelo, and Lephher Jenkins, do hereby certify that I have, this day, filed the foregoing with the Clerk of Court via the CM/ECF system, which has caused a true and correct copy to be served on all counsel of record by electronic mail.

SO CERTIFIED this 26th day of June, 2017.

s/ H. Richard Davis, Jr.

H. Richard Davis, Jr.